IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Bail Appl..No. 2019 of 2007()

Crime No.238/07 of Vatakara Police Station

PETITIONERS :

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1. K.RAJAGOPALAN,AGED 65 YEARS,
S/O.P.VELAYUDHAN NAIR,18/1662,NEW BUUILDING,
PUTHIYAPALAM,CHALAPURAM P.O,CALICUT-2.

2. K.RADHAKRISHNAN NAIR,AGED 55 YEARS,
S/O.NARAYANAN NAIR,178,PULPARAMBIL,PERUVAYAL
PANCHAYAT,PERINGALAM CALICUT.

3. C.RAMADAS,AGED 57 YEARS,S/O.T.K.NAIR,
3/306,'ISWARIAM',PARAMBATH PARAMBA,CHETTIKULAM,
ELATHUR P.O,CALICUT.

BY ADV. SRI.M.ASOKAN
SRI.DEVAPRASANTH.P.J.

RESPONDENTS:

STATE OF KERALA REPRESENTED BY S.H.O
VADAKARA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2019 OF 2007 B

Dated this the 3rd day of April, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are accused Nos.1 to 3 in Crime No.238/07 of Vatakara Police Station for an offence punishable under Sec.353 read with section 34 I.P.C., seek anticipatory bail.

2. The case of the prosecution is that during the early hours of 18.3.07 the Sales Tax Squad stopped for inspection a Maruti Omni Van in which the petitioners were travelling and 19 units of speed governors, for which tax had been paid, were seized but on insisting to receive the notice in Form 17A read with Rule 67 of the Kerala Value Added Tax Act the petitioners refused to receive the same and sped away in the Maruti Omni Van.

3. Learned Public Prosecutor submitted that subsequently the petitioners have paid the amounts due and the properties were returned to the petitioners.

4. In view of the circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioners on bail for a period of one month in the event of their arrest

in connection with the above case on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

c. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. Petitioners shall not commit any offence while on bail.

e. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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